

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5783 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

JAYANTIBHAI L.JOSHI

Versus

MANAGAR, SYMBIOTICS LTD

Appearance:

None present for Petitioner
MR NANDISH CHUDGAR for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/12/97

ORAL JUDGEMENT

1. The matter was called out for hearing in the first round, then in the second round and lastly in the third round, but none put appearance on behalf of the petitioner.
2. The learned counsel for respondent states that this Special Civil Application has been filed by

petitioner against the order of the Industrial Tribunal, Vadodara, under which it declined to grant any interim relief in favour of petitioner. The petitioner herein filed a complaint under section 33A of the Industrial Disputes Act, 1947, being Complaint (IT) No.60 of 1993 with regard to the superannuation age. The petitioner claims that the Company should have taken the superannuation age of the petitioner to be of 60 years whereas he is sought to be retired at the age of 58 years. Alongwith the complaint he also filed an application for grant of interim relief in terms that the respondent may be directed to continue him in service till he attains the age of 60 years. The interim relief was not granted. Hence this Special Civil Application.

3. The learned counsel for respondent further submits that the complaint is still pending before the Industrial Tribunal. In the matter of similar complaints filed by other employees of the respondent-Company, the matter has been remanded back to the Industrial Tribunal by this Court and further directions were given to decide the same within three months. Reference in this respect may have to the decision given by this Court in Special Civil Application No.128 of 1988 and other allied matters on 7.10.97. In view of the fact that this petition only arises out of the order under which the Industrial Tribunal has declined to grant interim relief in favour of petitioner and further the complaints having identical grievance have been remanded back to the Industrial Tribunal, Vadodara, for decision on merits, within three months, I consider that this writ petition deserves to be dismissed with directions that the complaint of the petitioner herein bearing No.60 of 1993 also be decided alongwith those matters which have been remanded by this Court, within three months. Rule stands discharged in aforesaid terms with no order as to costs.

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(sunil)